

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ADRIAN SANTOS, III,)	
)	
Plaintiff,)	
)	
vs.)	NO. 2:17-CV-273
)	
COUNTY OF LAKE, INDIANA,)	
et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on "Defendant Sheriff John Buncich Motion to Dismiss Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)" and "Defendant, County of Lake, Indiana's Motion to Dismiss Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)." (DE #16 & DE #18.) For the reasons set forth below, the motions are **DENIED AS MOOT**.

On November 1, 2017, Magistrate Judge Andrew P. Rodovich granted Plaintiff leave to file a second amended complaint and ordered it to be filed as a separate docket entry within seven days of the date of his order. (DE #26.) Plaintiff's second amended complaint was filed on November 3, 2017. (DE #27.) An amended complaint becomes controlling once it is filed because the prior pleading is withdrawn by operation of law. *Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008); see also *Duda v. Bd. of Educ. of Franklin Park Pub. Sch. Dist. No. 84*, 133 F.3d 1054, 1057 (7th Cir.

1998). Because the second amended complaint supersedes the previous complaints, the pending motions to dismiss (DE #16 & DE #18) are **DENIED AS MOOT**.

DATED: November 20, 2017

/s/RUDY LOZANO, Judge
United States District Court